IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

RP.No. 1079 of 2007(A)

AGAINST THE JUDGEMENT/ORDER IN WPC.27302/2007 Dated 24/09/2007

REVIEW PETITIONER (NOT A PARTY IN THE W.P):

P.M. THOMAS, MECHERY VAKKA PADASEGHARAM SAMITHY,
1183 PUNCHA, PULIMKUNNU VILLAGE,
ALAPPUZHA DISTRICT.

BY ADV. SRI.JOMY GEORGE

RESPONDENTS/PETITIONRES 1 & 2 AND RESPONDENTS 1 & 2 IN THE W.P:

1. THANKAMMA GEORGE, W/O. GEORGE,
AGED 52 YEARS, PUNTHENPURAYIL, KAYALPURAM,
PULIMKUNNU, ALAPPUZHA DISTRICT.

2. PHILOMINA VARGHESE, W/O. KURLALA,
AGED 48 YEARS, KAPPAMOOTTIL HOUSE,
PULIMKUNNU, ALAPPUZHA DISTRICT.

3. THE PUNJA SPECIAL OFFICER, ALAPPUZHA.

4. THE DISTRICT COLLECTOR, ALAPPUZHA.

BY ADV. SRI.ABRAHAM VAKKANAL
SRI.PAUL ABRAHAM VAKKANAL
SRI.ARUL KUMAR.P
SRI.BIJIMON C.CHERIAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC, J.

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R.P. No. 1079 OF 2007
IN
W.P.(C) No. 27302 OF 2007
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Dated this the 13th November, 2007

O R D E R

W.P.(C) No. 27302 of 2007 was disposed of by judgment dated 24-9-2007 recording, inter alia, the submission of the learned Govt. Pleader that the expenditure for the removal of weeds and algae would be met from the common fund of the Padasekharam Committee. It is the above submission that has led to this Review Petition. The said submission was made by the learned Govt. Pleader on the basis of the decision of the Puncha Special Officer taken on 22-9-2007. It is now submitted by the review petitioner that against the said decision an appeal was filed to the District Collector in terms of Section 7 of the Kerala Irrigation Works (Execution by Joint Labour) Act, 1967 and that the District Collector who heard the parties, has now passed order dated 29-10-2007 remanding the

matter back to the Puncha Special Officer for reconsideration. It is also stated that the Review Petitioner as well as writ petitioners were heard before passing the said order.

2. Therefore the issue of removal of weeds and algae and cost for the removal of the same are now before the Puncha Special Officer on being remanded by the District Collector. In view of this development the direction in the judgment needs to be modified. I dispose of this Review Petition directing that the Puncha Special Officer shall decide the matter pursuant to the remandas expeditiously as possible, at any rate within two weeks of receipt of a copy of this order. Depending upon the decision to be taken, the issue as to who has to bear the expenditure for the removal of weeds and algae will also be decided by the Puncha Special Officer.

ANTONY DOMINIC
JUDGE

jan/-